

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number (if known) Chapter **11**☐ Check if this an amended filing

## Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	<u>ABA Transportation Holding Co., Inc.</u>	
2. All other names debtor used in the last 8 years Include any assumed names, trade names and <i>doing business as</i> names		
3. Debtor's federal Employer Identification Number (EIN) <u>27-1494676</u>		
4. Debtor's address	Principal place of business  <u>3355 Veterans Memorial Highway</u> <u>Ronkonkoma, NY 11779</u> Number, Street, City, State & ZIP Code  <u>Suffolk</u> County	Mailing address, if different from principal place of business  <u>P.O. Box, Number, Street, City, State &amp; ZIP Code</u>  Location of principal assets, if different from principal place of business  <u>Number, Street, City, State &amp; ZIP Code</u>
5. Debtor's website (URL) _____		
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: _____	

Debtor ABA Transportation Holding Co., Inc.  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

\_\_\_\_\_

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check **all** that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- ☐ No
- ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	<b>See Attachment</b>	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **ABA Transportation Holding Co., Inc.**  
Name

Case number (if known)

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** (Check all that apply.)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other \_\_\_\_\_**Where is the property?** \_\_\_\_\_

Number, Street, City, State &amp; ZIP Code

**Is the property insured?**☐ No☐ Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information****13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☒ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☒ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **ABA Transportation Holding Co., Inc.**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures****WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 3, 2020**  
MM / DD / YYYY**X /s/ Ronald Baumann**  
Signature of authorized representative of debtor**Ronald Baumann**  
Printed nameTitle **President****18. Signature of attorney****X /s/ Sean C. Southard**  
Signature of attorney for debtorDate **August 3, 2020**  
MM / DD / YYYY**Sean C. Southard**  
Printed name**Klestadt Winters Jureller Southard & Stevens, LLP**  
Firm name**200 West 41st Street**  
**17th Floor**  
**New York, NY 10036-7203**  
Number, Street, City, State & ZIP CodeContact phone **(212) 972-3000** Email address **ssouthard@klestadt.com****3924610 NY**  
Bar number and State

Debtor **ABA Transportation Holding Co., Inc.**  
Name

Case number (if known)

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number (if known) Chapter **11**

☐ Check if this an amended filing

**FORM 201. VOLUNTARY PETITION**  
**Pending Bankruptcy Cases Attachment**

Debtor	<b>ACME Bus Company</b>	Relationship to you	<b>Subsidiary</b>
District	<b>Eastern District of New York</b>	When <b>5/27/20</b>	Case number, if known <b>20-72122 (REG)</b>
Debtor	<b>Baumann &amp; Sons Buses, Inc.</b>	Relationship to you	<b>Subsidiary</b>
District	<b>Eastern District of New York</b>	When <b>5/27/20</b>	Case number, if known <b>20-72121 (REG)</b>
Debtor	<b>Baumann Bus Company, Inc.</b>	Relationship to you	<b>Subsidiary</b>
District	<b>Eastern District of New York</b>	When <b>8/03/20</b>	Case number, if known
Debtor	<b>Brookset Bus Corp.</b>	Relationship to you	<b>Subsidiary</b>
District	<b>Eastern District of New York</b>	When <b>8/03/20</b>	Case number, if known

ACTION BY UNANIMOUS WRITTEN JOINT CONSENT  
OF THE SHAREHOLDERS AND BOARD OF DIRECTORS OF  
ABA TRANSPORTATION HOLDING CO. INC.  
IN LIEU OF SPECIAL MEETINGS

The undersigned, constituting the entire Board of Directors (the “Board”) and all of the shareholders of ABA Transportation Holding Co. Inc., a New York corporation (the “Corporation”), in accordance with Sections 708 and 615 of the New York Business Corporation law, without the formality of convening a meeting, do hereby consent to and adopt the following resolutions. It is the undersigned’s intent that this consent (the “Consent”) be executed in lieu of, and constitute special meetings of the Board and shareholders, which consent shall be filed by the Secretary of the Corporation with the minutes of the meetings of the Board and shareholders.

WHEREAS, the Corporation and its wholly owned subsidiaries Brookset Bus Corp. (“Brookset”), and Baumann Bus Company, Inc. (“Baumann”, and together with the Corporation and Brookset, the “Remaining Assigned Entities”), each New York corporations, are currently the subject of an assignment for the benefit of their creditors with a proceeding pending (the “ABC Proceeding”) before the Nassau County Supreme Court; and

WHEREAS, the Corporation’s wholly owned subsidiaries ACME Bus Corp.<sup>1</sup> and Baumann & Sons Buses, Inc., each New York corporations (together the “Debtor Entities”), are currently debtors in cases (the “Chapter 11 Cases”) pending under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of New York (the “Bankruptcy Court”); and

WHEREAS, the Board has considered the recent views and preferences expressed by the Bankruptcy Court, creditors and other parties in interest, as well as the potential financial risks,

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<sup>1</sup> ACME Bus Corp. was improperly named in the bankruptcy proceeding discussed herein as ACME Bus Company.

inconsistencies, costs and delays associated with the continuation of the ABC Proceeding while the Debtor Entities are separately liquidating their assets in the Chapter 11 Cases; and

WHEREAS, the Board has determined that it is desirable, and in the best interests of the Remaining Assigned Entities, its creditors, equity owners and other interested parties for the Remaining Assigned Entities to each file voluntary petitions for relief under Chapter 11 of the Bankruptcy Code; and

WHEREAS, the Board has approved and consented to the actions set forth below:

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the proper officers of the Corporation, Brookset, and/or Baumann are hereby authorized and directed in the name of and on behalf of the Remaining Assigned Entities, respectively, to file petitions for relief under Chapter 11 of the Bankruptcy Code, to proceed with efforts to liquidate the assets of the Remaining Assigned Entities under chapter 11 and to make or cause to be made and to execute and deliver or file all such additional instruments, agreements, certifications and documents and to take all other actions necessary or appropriate to effectuate the foregoing resolution.

RESOLVED FURTHER, that Klestadt Winters Jureller Southard & Stevens, LLP be, and hereby is, selected to serve as bankruptcy counsel to the Remaining Assigned Entities in the chapter 11 cases, subject to Bankruptcy Court approval.

RESOLVED FURTHER, that Maltz Auctions, Inc. d/b/a Maltz Auctions be, and hereby is, selected to serve as business broker and advisor to the Remaining Assigned Entities in the chapter 11 cases, subject to Bankruptcy Court approval.

RESOLVED FURTHER, that RSR Consulting, LLC be, and hereby is, selected to serve as financial advisor to the Remaining Assigned Entities in the chapter 11 cases, subject to Bankruptcy Court approval.

RESOLVED FURTHER, that Hamburger, Maxson, Yaffe & McNally, LLP be, and hereby is, selected to serve as special counsel to the Remaining Assigned Entities in the chapter 11 cases, subject to Bankruptcy Court approval.

RESOLVED FURTHER, that the Remaining Assigned Entities may retain such other counsel and advisors, whether presently representing the Remaining Assigned Entities or otherwise, as may be necessary or advisable for purposes of liquidating the assets of the Remaining Assigned Entities under chapter 11.

RESOLVED FURTHER, that Ronald Baumann, as President of the Remaining Assigned Entities, is hereby authorized, empowered and directed, in the name and on behalf of the Remaining Assigned Entities, to execute and verify a petition under Chapter 11 of the Bankruptcy Code for each of the Remaining Assigned Entities and to cause the same to be filed in the Bankruptcy Court.

RESOLVED FURTHER, that any officer or director of the Remaining Assigned Entities, is hereby authorized, empowered and directed, in the name and on behalf of the Remaining Assigned Entities, to execute all schedules, motions, lists, applications, pleadings and other papers, and to take and perform all further acts and deeds which he deems necessary, proper or desirable in connection with the chapter 11 cases, with a view to the successful prosecution of such cases.

RESOLVED FURTHER, that any officer or director of the Remaining Assigned Entities, is hereby authorized, empowered and directed, in the name and on behalf of the Remaining Assigned Entities, to take or cause to be taken any and all such further actions, to execute and deliver any and all such agreements, certificates, instruments and other documents as is necessary or desirable to fully carry out the intent and accomplish the purposes of the Resolutions adopted herein.

RESOLVED FURTHER, that this Consent may be executed in counterparts and shall be taken together as one document, facsimile and electronic versions being sufficient.

*[Remainder of Page Intentionally Left Blank]*



**SIGNATURE PAGE TO RESOLUTION AUTHORIZING  
CHAPTER 11 FILINGS AND RELATED ACTIONS**

**DATED August 3, 2020**

**ABA TRANSPORTATION  
HOLDING CO., INC.**

/s/ Ronald Baumann

By: Ronald Baumann,  
Shareholder and Director

/s/ Constance Baumann Gilman

By: Constance Baumann Gilman,  
Shareholder and Director

/s/ Michael Collins

By: Michael Collins,  
Director

The Estate of Richard M. Baumann, Jr.,  
Shareholder

/s/ Richard M. Baumann, III

By: Richard M. Baumann, III, Executor

/s/ Michael Collins

By: Michael Collins, Executor

**United States Bankruptcy Court  
Eastern District of New York**

In re **ABA Transportation Holding Co., Inc.**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **ABA Transportation Holding Co., Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [*Check if applicable*]

**August 3, 2020**

Date

**/s/ Sean C. Southard**

**Sean C. Southard**

Signature of Attorney or Litigant

Counsel for **ABA Transportation Holding Co., Inc.**

**Klestadt Winters Jureller Southard & Stevens, LLP**

**200 West 41st Street**

**17th Floor**

**New York, NY 10036-7203**

**(212) 972-3000 Fax:(212) 972-2245**

**ssouthard@klestadt.com**